

VZCZCXYZ0009
RR RUEHWEB

DE RUEHNY #0262 0981336
ZNY CCCCC ZZH
R 081336Z APR 09
FM AMEMBASSY OSLO
TO RUEHC/SECSTATE WASHDC 7484
RHMFISS/DEPT OF HOMELAND SECURITY WASHINGTON DC
INFO RUEHCP/AMEMBASSY COPENHAGEN 2530
RUEAORC/US CUSTOMS AND BORDER PROTECTION WASHINGTON DC

C O N F I D E N T I A L OSLO 000262

SIPDIS

DEPT FOR CA/VO/V/P, CA/P AND EUR/NB
DHS FOR OFFICE OF INTERNATIONAL AFFAIRS, ICE OFFICE OF
INTERNATIONAL AFFAIRS AND CBP OFFICE OF INTERNATIONAL
AFFAIRS
COPENHAGEN FOR DHS/ICE

E.O. 12958: DECL: 04/08/2019
TAGS: [CVIS](#) [PTER](#) [KVPR](#) [ASEC](#) [NO](#)
SUBJECT: ESTA APPROVED FOR APPLICANT WITH TERRORIST CLASS
HIT

Classified By: Consul Rodger J. Deuerlein for reasons 1.4b and d.

Post wishes to alert the Department and DHS to an instance in
which an alien with a CLASS terrorism lookout received an
approved ESTA.

¶2. (C) On March 31, 2009, Norwegian passport holder Toufigh
Aghili (DPOB: 29 March 1959, Iran) appeared at Post seeking a
B1/B2 visitor's visa. Included in his application was a
printout of an approved ESTA, dated 9 March 2009, with
application number R778R3R7RW524TKQ. All biographic fields
on the ESTA application had been completed correctly with
Aghili's true information (The ineligibility questions
related to arrest and removal, however, had were incorrectly
answered with &no8).

¶3. (C) In the course of normal processing, Post's NIV
system returned the following two CLASS lookouts on Aghili:

Name	Aghili, Toufigh
DOB	29 Mar 1959
POB	NORW
Ref site	INS
Ref date	07-NOV-2000
UID	CUS AGH03295901
Nat	NORW
Ref Code	3B) Terrorist Activities

Lookout comment states that Aghili is associated with the
designated terrorist organization Mujahadin-E-Khalq (MEK);

Name	Aghili, Toufigh
DOB	29 Mar 1959
POB	NORW
Ref site	ICE
Ref date	15-SEP-2000
UID	ICEDP078419684
Gender	M
Nat	NORW
Ref Code	ER7) Final Order of Expedited Removal

Lookout comment states that Aghili was arrested in NYC in
2000, during a protest at the UN, charged with disorderly
conduct, and subsequently issued an expedited removal order.

¶4. (C) Aghili claimed he knew he was not eligible to use VWP,
but that a friend had gone ahead and competed the ESTA
application on his behalf, unaware of the arrest and
deportation history (Comment: a more credible explanation
might be that Aghili thought better of using VWP when it came
time to actually purchase a ticket).

¶5. (C) Post recognizes that the ESTA system continues to be developed, that its current screening system involves multiple databases, and that not all of CLASS is, or should be) part of the process. Nevertheless, this alien,s receipt of an approved ESTA would seem to indicate a gap in the process as it exists today.

¶6. (C) An SAO is being processed septel in this case (Unless there is USG interest in allowing subject to travel, Post intends to refuse application under INA 214b, and if Department authorizes, under INA 212a3b as well).

¶7. (C) Post POC: Consular section chief Rodger Deuerlein.
Email: DeuerleinRJ@state.gov.
JOHNSON